

African Commission
on Human
& Peoples' Rights



Commission Africaine
des Droits de l'Homme
et des Peuples

PRISONS IN MALI

REPORT ON A VISIT

20-30 AUGUST 1997

BY

PROF. E.V.O. DANKWA

SPECIAL RAPPORTEUR ON PRISONS AND
CONDITIONS OF DETENTION IN AFRICA

ACKNOWLEDGEMENTS

The African Commission on Human and Peoples' Rights is grateful to the Norwegian Agency for Development Co-operation (NORAD) and Penal Reform International (PRI) for their support to the programme of the Special Rapporteur on Prisons and Conditions of Detention in Africa.

SERIES IV n°2

The reports of the Special Rapporteurs of the African Commission on Human and Peoples' Rights will be published under series IV

TABLE OF CONTENT

INTRODUCTION	5
VISIT TO MALI	7
ACKNOWLEDGEMENT	7
THE COUNTRY	8
MEETINGS AND PRISONS	9
BAMAKO	9
21 August 1997, Bamako	9
<i>Direction Nationale de l'Administration Penitentiaire et de l'Education Surveillée (DNAPES)</i>	9
<i>Visit to Ministry of Justice</i>	12
22 August 1997	12
<i>DNAPES, Division of Detention, rehabilitation and regulation</i>	12
<i>DNAPES, Division of Supervised Education</i>	13
<i>Visit to Baquinéda Prison Farms</i>	13
<i>Visit to Bamako Central Prison</i>	15
29 August 1997	18
<i>Meeting with NGOs working in the areas of detention or prevention of crime.</i>	18
<i>Meeting with Tiébile Drame, Member of Parliament and former Minister of Arid and semiarid zones</i>	19
TOMBOUCTOU	21
25 August 1997	21
<i>Meeting with Brabima Kone, Commandant de Cercle</i>	21
<i>The Judiciary</i>	22
<i>The Public Prosecutor, Christian Idrissa Diassana</i>	22
<i>Brigade of Gendarmerie of Tombuctu Sandogo, Head of Station</i>	22
<i>Visit to a detainee transferred to Hospital</i>	22
<i>Police Post, Commissioner Bougadany Touré</i>	23
<i>Visit to Tombouctou Prison</i>	23
GOUNDAM	25
26 August 1997	25
<i>Brigade of Gendarmerie</i>	25
<i>Visit to Goundam Prison</i>	26

INTRODUCTION

This report covers two main activities undertaken after the 21st Session of the Commission held in Nouakchott, Mauritania from 15 - 24 April 1997.

At the invitation of the Association for the Prevention of Torture (APT), I participated in a one-day workshop on Modalities For Missions And Visits To Places of Detention which APT organised in collaboration with Penal Reform International (PRI) in Geneva on 24th May 1997.

In pursuit of my programme of activities which I presented to the Commission at its last session, I visited prisons¹ in Bamako, Tombouctou, Goundam, Mopti, Baguineda and Kati in Mali from 20 - 30 August 1997.

MOPTI	27
27 August 1997	27
Mopti Prison	27
28 August 1997, Mopti	29
Governor of Mopti, Daouda Tangara	29
RECOMMENDATIONS	31
PRESS RELEASE	33
COMMENTS BY GOVERNMENT OF MALI	33
OTHER ACTIVITY OF THE SPECIAL RAPPORTEUR	36
<i>Workshop on modalities for missions and visits to places of detention</i>	36

¹ Wherever the context demands it «prisons» should be understood to include places of detention.

VISIT TO MALI

ACKNOWLEDGEMENT

My task was made easier by the supply of background materials on Mali in general and its prison regime in particular by PRI. APT also kindly shared with me their report on a recent visit to some prisons in May by a member of its staff. The efforts of Mr. Ahmed Othmani, Chairman of PRI helped in getting me permission to visit prisons in Mali. Audrey Pascaud of the same body removed the language barrier between me and the respondents I interviewed or from whom I gathered relevant information. They are too numerous to mention, but for being crucial for the success of my mission I must thank Mr. Cheikhna Detteba Kamissoko, Minister of Justice who gave me permission to visit any prison or place of detention. Mr. Bourouma Sidibe, National Director of Prisons and his deputy, Mr. Toure who briefed me on prisons and their administration in Mali. Mme Diarra Assétou Koite, Head of Division of Detention, Regulation and Rehabilitation and Administrative Management, her Deputy Mr. Kamara; Amadon Balma Karembe, Head, Division de l'Education Surveillée and her deputy Diotié Togola; and Suzanne Hofstetter, Chief of I.C.R.C. Delegation in Mali added to the background knowledge useful for my mission. Madam Ouattara and M. Diarra of the Malian Association of Human Rights organised a meeting of NGOs where we shared information and ideas. I am much obliged to all of them.

THE COUNTRY

Covering an approximate area of 1,241,000,000 sq. km, Mali is one of the two biggest countries in West Africa with a population of about 10 million. It became independent in 1960 under its first President Modibo Keita. He was overthrown in a coup d'état in 1968. Imprisoned after his overthrow Modibo Keita spent the rest of his life in detention giving up the ghost in 1977. The military officer who took over power Moussa Traoré was himself overthrown after a long reign of 23 years, and is now in prison after conviction of crimes. 108 people had been killed and 708 injured when his security forces brutally suppressed demonstrators seeking democracy. His first head of government, Capt. Yoro Diakité died in detention in 1973. Mrs. Keita spent time in prison after the overthrow of her husband, and Mrs. Traore is in detention. Also in detention were Almany Sylla, leader of the Opposition and some of his colleagues following allegations of their involvement in the death of a security personnel. About 4000 people are in prisons in Mali. The conditions under which people are imprisoned or detained must, therefore, be of concern to the low and high alike in Mali as elsewhere.

In a statesmanlike fashion, General Amadou Toumani Touré who became the new head of State after Moussa Traoré organised a constitutional referendum, municipal and presidential elections in just over a year; and handed over power to the winner of the presidential election, Alpha Oumar Konaré. He is still the Head of State after recent elections, aspects of which were questioned by the opposition.

The government of President Konaré identified education and health as priority areas and consequently allocated 24% and 7% respectively of the annual budget to these sectors.

Conditions in prisons which were visited may indicate the attention which has been and should be paid to this subject by government.

MEETINGS AND PRISONS

Bamako

21 August 1997

Direction Nationale de l'Administration Pénitentiaire et de l'Education Surveillée (DNAPES)².

At this headquarters of the prison administration the National Director and his Deputy named above briefed me about the penal regime in Mali and the problems his administration was encountering. Until 1990 the prison regime was governed by colonial legislation. DNAPES was established in 1990 under legislation. DNAPES consists of two divisions:

- (i) The Division for Detention, Rehabilitation and Regulation; and
- (ii) The Division of Supervised Education

For financial reasons subdivisions provided for under the legislation have not been set up, an example of the gap between the letter of the law and practice. There are prisons termed «Maisons Centrales d'Arrêt,» farm prisons known as «pénitenciers agricoles» and a rehabilitation centre referred to as «Centre de Rééducation» which is situated at Bollé and which is close to Bamako. Juveniles are kept at this Centre.

Food

Until 1993 feeding of prisoners posed a big problem to the administration. But in 1993/94 Parliament doubled the budgetary allocation for food. In Bamako central prison prisoners have three meals a day. In the rest of the prisons inmates were fed twice. The meals consist of millet, rice and beans; and occasionally maize. Maladministration is the big problem now, but as soon as such an issue is brought to the attention of the Director corrective action is taken. Illustrative of this stance is the dismissal of the registrar of Koulikoro prison two days earlier. While the food allocated to the prison there should have provided two meals a day for the prisoners there was a day when they had none.

² Literal translation into English is National Direction of Prison Administration and Supervised Education.

Health

While the Ministry of Health has been providing medicine for the prisons, the supplies are inadequate except for Bamako Central prison which receives the medicine needed to treat the detainees. Sick prisoners are brought to Bamako prison where there is a clinic, and in serious cases they are sent to hospital. The judiciary and local administration supplement the allocation from the Ministry of Health. Local churches and religious organisations also offer assistance.

Training And Activities In Prison

Each prison is engaged in some agricultural activity but except for 4 prison farms, it is not well organised. Prisons farms are organised as open establishment with minimum security measures. Inmates at the farms have background in agriculture. Additionally, those who are about to complete their sentence are sent there. Started 4 years ago, prison farms have not shown encouraging results in terms of out put and escape. With an eye on improvement, greater care was being taken in the selection of the inmates. Registrars (those in charge of prisons) were also being trained.

There is the interesting case of two prisoners sentenced to long terms of imprisonment who agreed to work in a prison farm and were living with their respective families. They cultivate their own plot part of the time, and work on the prison farm the rest of their working time. They are on the Konségéla and Baguinéda prison farms.

Workshops

Before 1991 all prisons were supplied with sewing machines, and most prisons had workshops where inmates were trained. Bamako prison had the most advanced workshop, but they were either destroyed or rendered inoperative in two uprisings in 1991 and 1992.

State of buildings

The Tuareg rebellion and resultant fighting destroyed some prisons in the northern part of Mali and generally delayed development programmes. However, since 1991 the Ministry of Justice has been allocated money for the building of 2 to 3 new prisons a year each with a capacity for 40 - 50 inmates. 10 prisons have been built since 1991. These are at Bla, Koulikoro, Kenielba,

Banamba, Kati, Diéma, Bougoni, Kangaba and Diola. The last one is still under construction, and it is air-conditioned. Rehabilitation of prisons also commenced in 1991.

Multiplicity of Authority

No one ministry or authority controls prisons and the prison staff. Prison cells are under Territorial Administration while the Gendarmerie is under the Ministry of Defence and prisons under the Ministry of Justice. Prison guards are from the Gendarmerie and Registrars or Directors are selected from the Civil Service.

Gender and Children

Prisons do not have separate parts or wings for men and women. By law women with children under 6 months should not be sent to prison. The practice, however, is different. In Bamako prison mothers with children are kept in a separate wing. Juveniles are detained in most prisons with adults. The only institution providing special care is Bolle rehabilitation centre, where also a new prison is being built for women and juveniles. In the new prisons women, men, juveniles, remand and convicts are kept in separate wings.

Personnel

Lack of training of Registrars and prison staff was acknowledged. Efforts were, however, being made to address the problem. 13 people were undergoing a 6 months course in Dakar so that they could replace untrained registrars. 466 former guards from the National Guards Body have also been recruited by DNAPES and given a one month course at the Institut National de Formation Judiciaire under the supervision of the Deputy Director of Prisons for the purpose of their replacing the guards from the National Guards Body. Unlike the guards currently at post, the new recruits would be under the direct authority of DNAPES. The existing situation of personnel in prison answering to different authorities created problems in efficiency and discipline.

Remand

It is a serious problem. The estimate is that 80% of the inmates in Bamako central prison are on remand, and this figure could be as high as 90% in other prisons. The remand period could last up to 6 years. Examining magistrates

(juges d'instruction) did not have the means to visit detainees. They also felt insecure and requested the State to convey prisoners to Court.

Although DNAPES did not have sufficient means of transport this did not prevent detainees from being taken to court. Outside Bamako transport is not a problem because the courts are not far from the prisons and gendarmerie can requisition vehicles to transport detainees to court.

Visit to Ministry of Justice

Present at this meeting were Mr. Cheikhna Dettaba Kamissoko, Minister of Justice;

Mr. Mamadou K. Cissouma, Secretary-General

Mr. Baba Sylla, Technical Adviser on Prisons

Mr. Amadou Ousmane Toure, Chef de Cabinet and Secretary General of the National Consultative Commission on human rights.

Welcoming me to his office, the Minister emphasised that democracy and human rights are priority concern of the government. The judiciary has to be independent so that there will not be arbitrary use of power by either the state or the citizen. Humane treatment of prisoners and their rehabilitation is one of the concerns of government. The current government, therefore, welcomes international bodies monitoring the observance of human rights like the International Committee of the Red Cross.

An open forum on democracy was held in Mali in December 1996. Assessment of the extent to which recommendations from the forum have been implemented would take place in September.

He appealed to the African Commission on Human and Peoples Rights to cooperate with the government. He also encouraged the Special Rapporteur to make the necessary recommendations to Government. He gave the assurance that such recommendations would be taken seriously by government.

22 August 1997

DNAPES, Division of Detention, rehabilitation and regulation

Mme Diarra, head of Division of Detention, rehabilitation and regulation explained that DNAPES would like to make conditions in all prisons humane.

It, however, lacked the human and financial means to attain this goal. Nevertheless social rehabilitation constituted their priority, and DNAPES had appealed to funding agencies for assistance. DNAPES has not recovered from the damage caused by the 1991 and 1992 mutinies in prisons. The workshops which were destroyed in the disturbances have not been rebuilt.

What was required to ensure humane conditions were identified by her as: improvement in health conditions; education of inmates; professional training (trades and skills for prisoners); improvement in the training of prison personnel; and rebuilding of prisons.

Mme Diarra added that her Division was responsible for the administrative matters of detainees from their arrival to their release. Drawing up of prison programmes and projects were also their responsibility. Present at the meeting was Mme Diarra's Deputy, Mr. Camara.

DNAPES, Division of Supervised Education

Present were Mr. Amadou Karambe, Head and Mr. Diotié Togola, Deputy Head.

Although the statute providing for the establishment of the division was passed in 1990 it was not until 1992 that it was set up. The work of the Division was geared towards juveniles in prison (Bollé and Bamako) and crime prevention among the youth, especially street children.

The Division has organised a training session for 40 young girls from Bollé village, and they were taught sewing and dyeing. It had encouraging results. 25 of the trainees went through the whole course. Such courses will be replicated if there is the financial means to do so.

Visit to Baquinéda Prison Farms

The Registrar in charge is Sergeant Chef Mory Sidibé.

The farm is located 30km from Bamako; and it is 5km off the Bamako-Segou road.

It was opened in 1970, closed in 1987, and reopened in 1994. There were 12 inmates although the prison farm could accommodate 15. The inmates had served the greater part of their sentences elsewhere. They were also petty offenders.

The farm covered an area of 9.5 hectares, 4 hectares of which were cultivated (3 hectares for millet produced 1.4 tonnes in 1996, 1 hectare mangoes). 5.5 hectares are used for grazing.

The prisoners worked on the prison farm for part of the time, and on their own plots for some of the time.

Family visits were allowed, and the inmates could correspond with the outside world.

As regards food DNAPES had supplied 2 tons of millet, 1 ton of rice and another ton of beans to provide the inmates with 3 meals each day.

Relationship with the local community:

The local population, the registrar stated, were not happy with the location of the prison. They feared that prisoners could steal from the village and escape. He admitted that lack of sensitisation accounted for this attitude of the local community.

There had not been positive result as far as the rehabilitation of prisoners was concerned. Most of the inmates had tried to escape from the farm. While they were not satisfied with their conditions they recognised that those conditions were better than those in the regular prisons.

Private-Discussion With Prisoners

They complained bitterly about their conditions of life: their living conditions were bad, they were overcrowded and had neither blankets nor clothes (they were not naked though); their supply of soap was not sufficient; and they had no cleaning material. The small structure which housed them had poor ventilation. From their viewpoint DNAPES did not pay sufficient attention to their conditions of life because they were perceived as already enjoying a privileged regime of partial release. They also complained that they were excluded from consideration by the selection committee for presidential pardon.

In Mali there is no judge who reviews the terms and conditions of a prisoner's sentence. Sentences are reviewed and reduced at the mercy of the president.

They get nothing from working for the administration. They work for the administration in the morning, and in the afternoon for themselves (whenever they have the means to buy seeds) or offer their services to the villagers.

Visit to Bamako Central Prison

The Director of the Prison Amadou Diarra is an officer of the Gendarmerie. He introduced some officers of the prison, Mme Diarra, a social worker and Major Attouhen Ag. Acheikh, Chief of the guards.

Built for 400 inmates, there were 1025 inmates made up of 1003 males and 22 women. Among the males were 30 juveniles. 64 of the inmates arrived when they were juveniles. The youngest juvenile was 15 years old. The oldest inmate was 60 years old. Of the total number in prison 922 were on remand with some having being in that status for five years. There are different wings for women, juvenile, those on remand and convicts. Slow dispensation of justice accounts for the long remands.

Guards and administrators number 30.

The Director had not found transport a problem in getting prisoners to court. By his account, daily visits to inmates posed no difficulty and were unrestricted from 8 a.m. - 3 p.m. Between 15 August and 22 August more than 19900 visits had been registered. Correspondence with the outside world was allowed, and only incoming mail was censored.

Meals were served 3 times each day (rice and millet). There was no prison uniform. Prisoners wore their own clothes but those without clothes were supplied with some. Soap and washing powder were distributed once a month.

The assistance to the prison of organisation such as CICR, ENDA and the Red Cross was acknowledged.

Sanitation posed a major problem to the prison. The drainage system was faulty, and so dirty water could not be drained easily out of the prison.

The prison had sections with a total room number of 23. Each section has a tap and toilets, one school but no library. Sewing workshops were out of use, and the same was true of carpentry and mechanics.

Magistrates could, but rarely did, visit detainees

The Director took me on a tour of the Prison. It has two main parts. One section was once reserved for convicts, but because of the high increase in the number of remand prisoners, only a section of it now serves that function.

Juveniles Section

Juveniles were housed on one yard with a tap and 10 rooms measuring about 4 x 2 metres each. There were 2 toilets. The roof leaked, and seeping water produced stagnant water on the floor of all the cells. The stench of urine was quite pungent, and a little more cleanliness would have been welcomed. 33 juveniles in fact occupied the cells. They expressed the desire to sleep in the open yard adjacent to their cells so that they could have fresh air instead of the heat in their cells. Were their desire to be granted, the nuisance of mosquitoes in their cells would still have persisted in their preferred abode since a large section of it is not roofed.

The juveniles confirmed receiving 3 meals each day, but wished the administration would provide them with clothes. Some of them went to school from their cells. Most of them had no visit from their families since they either had none or had lost contact with them. Essential medicine was the only medication they received from the administration in case of ill health.

The Remand Sections

Citing security as the reason, The Registrar counselled against entry. Communication with the inmates was through iron bars which separated us.

There were some who appeared young enough to be juveniles. Each section consisted of a yard and rooms which opened onto the yard. There were a tap and toilet in each yard. They complained about lack of blankets, mats, clothes and soap. They also complained about the poor quality of the meals served to them. Since most of them had lost contact with their families the rights of visit and correspondence were not of use to them.

They were bitter that some of them had been on remand for more than 5 years.

Convicts Section

As in the case of those on remand, the Registrar did not allow us to go inside the section for convicts for security reasons. Communication with the prisoners was carried out as had been done with the juveniles.

20 of them were inside this section while the rest were working outside the prison. Those present had similar complaints as the juveniles. Additionally, they complained that their remand period had not been taken into account during their sentencing.

The tap here was defective, and water had to be brought from another tap in the central yard of the prison.

General Remarks about the atmosphere in the prison

The detainees were tense, and not relaxed at all. This must explain why the Registrar feared for security when I asked to be allowed into the remand and convicts sections. It partially explains, most probably, why there had been two revolts in this prison. Kept in such tense circumstances over a long period the danger of escape, riot or revolt is ever present. The escape of 100 inmates from Kayes prison on 17 August 1997 must also have concentrated the mind of the registrar most wonderfully on the question of security.

The Chief guard appeared nervous during the visit, and was observed beating one inmate who was on his way to fetch water from the yard.

The Second Half of The Prison

This part looked quieter, neater and better kept. The inmates wore better and cleaner clothes. Food parcels coming into the prison for inmates were kept together at an entrance of the prison before being distributed to the donees.

Inmates walked freely about in the yard. They were not locked into their cells and rooms as in the case of those in the first half of the prison.

The Registrar explained that elderly detainees and «civil servants» were held in this half of the prison. The cells looked much nicer and cleaner and quite comfortable with fans, games, mats and books. This section was generally dry.

Among the inmates were foreigners from Nigeria, The Gambia, Liberia and Ghana.

The Women's Section was located in this part of the prison. All the guards and

almost all other personnel were men. The female section was locked, and only members of the administration could enter it.

29 August 1997

Meeting with NGOs working in the areas of detention or prevention of crime.

Ms. Camara, a social worker at Bamako central prison who had worked in that capacity for five years outlined her duties as follows: reception of detainees, re-establishment and preservation of family links, follow up of court files, protection against violence and corporal punishment, welfare of juveniles, workshops and co-operation with NGOS.

ENDA Tiers Monde

Representative of this NGO recounted their activities as including organising training workshops for juveniles who had been released from prison. They also collaborate with the international Catholic office for children. Subjects of study at their workshops have been carpentry, metal works, shoe repair and indigo dyeing.

ADEP

They organise training sessions for street children to enable them stay off the streets.

APDF

The representative stated that their organisation works towards the promotion and defence of women and girls' rights. They fight against all forms of degrading treatment of females. In 1992 they conducted a survey in the women's section of Bamako central prison. Cases of rape, bad treatment and poor conditions of detention cropped up. The organisation plans to launch a basic education programme.

The meeting was informed that the association has branches in Ségou, Mopti, Diré and Kidal.

AMDH

Mr. Amadou Diarra, a lawyer and member of the above organisation observed that there was a gap between regulations and practice as far as detention was concerned. He also noted that in practice common prisoners and political detainees were separated but there was no legal provision which sanctioned this practice.

Commission for the promotion of women and children.

Ms. Fatoumata Diarra of the above Commission gave the year of its establishment as 1996. It has visited Bamako central prison and Bollé rehabilitation centre. Following these visits, seminars were organised in collaboration with the Ministry of Justice, and various recommendations were made to the Ministry as regards the welfare of women in prison. A sports field was being planned and external assistance would be solicited for the project.

Clinique juridique Demeso.

Speaking for his organisation, Jean Dembele stated that they undertook a one year study of prisons, and issued a report with recommendations. These were discussed with officials from the Ministry of Justice. The organisation has also set up a legal aid scheme for detainees. It intends to focus more attention on the social rehabilitation of offenders.

In conclusion, the Special Rapporteur suggested to the NGOs that they should co-ordinate their activities for maximum effect.

Meeting with Tiébile Drame, Member of Parliament and former Minister of Arid and semiarid zones.

He is also a leading member of PAREMA one of the parties in coalition with President Alpha Oumar Konare.

From the above gentleman I had a refreshing and instructive perspective of the penal regime in Mali. My only regret is that our meeting took place at the end instead of the beginning of my mission.

Tombouctou

25 August 1997

Meeting with Brahima Kone, Commandant de Cercle³

The above official explained the administrative structure of Mali up to the regional level as follows:

<u>Level</u>	<u>Head</u>
Village	Chief
Arrondissement	Chief of arrondissement
Cercle	Commandant
Region	Governor

Prison registrars are appointed by DNAPES on the recommendation of the Commandant of a Cercle. Factors taken into account in the selection of registrars are moral uprightness, dedication to prison work, managerial ability and a balanced disposition especially in relation to prisoners. The registrar is a civilian usually a civil servant of category 8 but in the absence of suitable persons from this grade persons with basic education can be appointed from category C.

The Police are responsible for maintenance of law and order in Tombouctou while the Gendarmerie take care of the areas outside Tombouctou.

There should be a Committee at the Cercle level to monitor and supervise prison administration. Membership of the Committee is drawn from the judiciary, the Health Services, the administration, and the registrar. Among other things, the Committee is required to pay attention to the conditions of detention and the health of prisoners; and make recommendations on prisoners who should enjoy Presidential pardon.

The Committee has not functioned since the Tuareg rebellion.

The Registrar now recommends prisoners for pardon or mercy.

Thieves and robbers are excluded from pardon or mercy, and they do not, therefore, have any incentive to be of good behaviour in prison.

³ Head of the territorial administration at the «cercle» level.

In 1985 the Commandant of the Cercle participated in a human rights training workshop. A workshop on the same subject was held for magistrates and registrars in 1996.

He identified the poor state of the building as the main problem facing the prison in Tombouctou. What is required is a new building and not renovation of the existing one.

The Judiciary

Tombouctou has a magistrate Court Grade I which is under the Court of Appeal in Mopti. There are seven magistrates in the Tombouctou Cercle, three at the public prosecutor's department (Parquet) and four on the bench (Siège).

The Special Rapporteur met 4 of the above and a Court Clerk who stated that the penal procedure code made provision for bail with or without guarantee. Limitation periods for offences ranged from 1 year for infraction of the law (misdemeanour); to 10 years in the case of murder.

The Public Prosecutor, Christian Idrissa Diassana

He granted me permission to visit Police and Gendarmerie cells in Tombouctou Brigade of Gendarmerie of Tombouctou Sandogo, Head of Station

Brigade of Gendarmerie of Tombouctou Sandogo, Head of Station

The second official above explained to me that the Gendarmerie, commanded by a Captain was based in Goundam (regional headquarters). The gendarmerie acted as the police of the judiciary and were entitled to keep people in custody for questioning. But there were no detainees that day, and the Agent Chef asserted that they were not kept beyond the legal limit of 72 hours.

There one cell I visited was about 1.5 metre x 4m. It was a very warm day, and it felt so inside the cell. A guard stated that it was either very warm (day) or very cold (night). They, therefore tried to avoid detaining people there. The cell had neither blankets, mats nor toilets.

Visit to a detainee transferred to Hospital

In the company of the Registrar of Tombouctou prison, I visited a prisoner who had been transferred to the regional hospital from prison not long before my visit, it would appear.

The Registrar stated that he received no medicine from DNAPES. Their only source of medicine was private mainly ICRC. It appeared, however, that the hospital was in charge of the medicine for the prison.

On my visit to the prison, the inmates stated that they had to pay for their medicine.

Police Post, Commissioner Bougadany Touré

On the first visit, I was asked to come back later.

On the latter occasion the Commissioner informed me that the Police did not keep more than 10 persons per month in custody. The 72 hours limitation period was always respected.

A detainee at the post, however, informed me that he had been detained there for 9 days. He did not find the conditions in the cell satisfactory.

In visiting the cell it was noticeable that there was no toilet and that a corner of the room was used as a toilet. There was neither mat nor blanket in the cell which measured about 2m per 3m with poor ventilation.

Visit to Tombouctou Prison

DNAPES had informed the Registrar of my visit. After a short discussion with the registrar, he took me round the prison. A meeting with the inmates alone concluded the visit. The prison was built in 1925 with a maximum capacity of 500. But because sections of it collapsed, and the remainder may soon do so, it now has a very reduced capacity. Prisoners were no longer being brought from Bamako.

At the time of the visit there were 36 inmates of whom only 3 had been tried and convicted. The rest were on remand. The prison staff comprised 2 guards (soldiers) and the registrar (civil servant).

Each of the two guards works one week of 7 days for 24 hours each day. Each guard does so twice a month.

There were no women in the prison, and what used to be the women's wing was being used by men because it was not secure enough. Whenever there were any female prisoners they were kept in the adjutant's house. Because of lack of space women were rarely arrested. Whenever women were detained the authorities endeavoured to release them as soon as possible.

There being no water in the prison, it was fetched from outside. 4 juveniles were among the 36 inmates, and the convicts mixed among those on remand.

Practices To Avoid

One of the inmates was in leg irons or chained by the legs, but in my presence he was unchained. The Registrar explained that the poor state of the prison made escape easy, and so strong preventive measures like chaining was resorted to. The chained prisoner had tried to escape on two occasions.

The prisoners complained that their visitors had not been allowed to see them. They also complained about lack of mats and blankets as well as the quality of food served (2 to 3 meals per day). They had no soap, and what ICRC brought for their use had not all been distributed (e.g. out of 36 blankets brought only a few were in the cells).

The remand prisoners also complained about the slow nature of the judicial system.

On inquiry, the Registrar responded that he had been queried about slack security measures, and had therefore demanded authorisation from the Prosecutor before visits. This had not, it appeared, been explained to the visitors.

I took up the issue of family visits with the Prosecutor who was not aware of the recent developments in the prison. He promised to facilitate the visits, and asked the Registrar in the presence of us three to do the same.

Detention of Women

For the reasons stated above, women could not be detained in the prison. The authorities hesitated in arresting women because of the space problem. If arrested and detained for short periods, they were kept with the guards at the entrance of the prison, and not inside with the male inmates. In the case of longer detention for female, they were accommodated in the house of the head of the guards. The authorities endeavoured to release female detainees as soon as it was possible to do so.

Goundam

26 August 1997

This town is situated 95km south east of Tombouctou.

I had discussions with Tiecoura Malle, Magistrate and Justice of the Peace who had assumed duty there 6 months previously.

As «Juge de paix» he acted as Chairman of the court and examining magistrate. He was the investigator, prosecutor and judge. He presided over a Magistrate Court Grade I. Justices of the peace are to be found in remote areas.

Due to budgetary constraints the Ministry of Justice could not appoint more magistrates, prosecutors and examining judges.

He informed me that he visited the prison once a week. At the time of my visit there were 7 detainees, 2 convicts, 1 on remand and 4 who had been arrested the previous day and were being kept in the prison because the police post had no cells. The remand period did not exceed one month in his jurisdiction. Criminality was low but had gone up slightly at the start of the farming season over disputes about land and crops. He also acted as mediator and conciliator to limit the number of detainees.

In 1992 Goundam was attacked by the Tuaregs. The judge and the prison guards were killed. The prisoners escaped and the military camp where the prison was located was destroyed except the prison building which itself did not entirely escape damage. The military camp was abandoned, and rebuilt further away. The prison is, however, still being used.

Problems

It is easy to escape from the prison because of its low structure. There were no toilets, buckets were used and emptied outside the prison. There was no telephone line connected to Goundam. The visit was, therefore, a surprise one.

Brigade of Gendarmerie

The gendarmerie did not have a cell and prisoners who had to be sent to police cells were sent to the prison. They were not kept beyond 72 hours.

Because of the paucity of cases, interrogation was completed within short periods.

There was no police post at Goundam.

Visit to Goundam Prison

The guard on duty stated that he worked seven days 24 hours each day and was relieved by another guard who worked the same schedule. The two guards alternated on a weekly basis. The inmates ate once a day (rice on Saturday, beans on Sunday, millet the rest of the week). There was neither water, shower nor toilets within the prison. Water was obtained from about 200 metres outside the prison. But the magistrate himself does not have water in his house, he informed me. Many parts of the building were cracked, and it could collapse. A section of the building had been abandoned because the walls crumbled.

In a private discussion with the inmates, they complained about not getting food, blankets, mats, family visits as well as the dangerous state of the building. One inmate came from Segou. He was arrested in Goundam, and his family was not aware of it. He had not had any family visit. But they had no complaint about the guards; they had a good relationship with the guard, they said.

Mopti

27 August 1997

Mopti Prison

Baréma Karambaye, Registrar, Moussa Traoré, Chief of guards and Deputy Sergeant Sidi Mohammed

They responded to my questions and conducted me through the prison.

There were 92 inmates, 64 of whom were on remand. The prison had two guards.

Female Prisoners

There were 3 women who had been sentenced to life, 20 years and 15 years imprisonment respectively for murder and sorcery. Two of them were mother and daughter, and all three belonged to the same family. They had served more than six years of their sentences.

They were not detained in the prison but were accommodated by the Counsellor for administrative affairs of the territorial administration. They worked for him and he maintained them. Presidential pardon had been sought for them, but it had not been granted.

Discussion with the women outside the prison

They were fed by their employer but were not paid. The youngest had had a baby with a prison guard but would not say much about it. The oldest claimed to be 80 years old.

Inside the prison

Parts of it were falling apart. Half of it, I was informed, collapsed in 1994/95. The prisoners had one meal of millet a day, and rice on Sunday. Some of the inmates were locked up in their cells (cells 1 and 2) 24 hours a day while others (cells 3, 4 and 5) were allowed to stay in the yard day and night.

Discussion with detainees of cell 1

The heat in the room was unbearable, and it could well have accounted for the ill-health of some of them. One of them claimed that he had been beaten up by a guard the previous week for attempting to escape. Wounds and marks

which could well have been the result of assault with belt, as the victim claimed had been used by the guard, were very visible on the back and abdomen of this prisoner.

They also complained that the guards demanded money before allowing visitors to see them. Two of the inmates complained that for two years they had been kept 24 hours a day in that cell without being brought before a court. Out of the 17 inmates in this cell only 3 were convicts. All of them were allowed out only to have a shower or go to toilet. They also complained that the guards had asked them for money so that they could be allowed to change to cells 3, 4 and 5. 5 of those in this cell were juveniles. One of them, Amadou Saye (16 years old) had been there for 6 months while a 15 year old had spent a longer period than Amadou. Sometimes for 2 months, they complained, they would not get soap.

Discussion with detainees in cell 2

Of the 24 inmates only one was a convict. 2 alleged that they had been beaten recently by a guard with belt. The wounds and marks on the bodies of Dramane Tambadou (17 years old and Ibrahim Dembele 18 years old) could well have been the result of assault with belt. The conditions under which the inmates were detained were generally similar to those of the inmates of cell 1. 2 of the inmates stated that they had been on remand in this cell for 2 years. They ate once a day, and the food was small. They denied that they ate rice on Sunday. A juvenile was in leg iron and he stated that he had been in that condition 24 hours a day. They claimed that detainees who give money to the guards were allowed to escape. To be able to live outside this cell one had to pay the guards CFA 10,000. A Liberian prisoner Anson David, I was informed, died of starvation. A prisoner who was operated upon in December 1996 needed medication, but had none. He claimed that his urine and stool were bloody.

Ventilation in both cells was terrible, and there was very little light as well. It was not, therefore, surprising that when the doors of both cells were opened the inmates squinted. They were supplied with neither blankets nor clothes.

Final discussion with chief of guards

When asked why the inmates of cells 1 and 2 were kept indoors the whole day, he replied that it was to prevent their escape.

He frankly informed me that he had his own policy for dealing with prisoners as regards security. If a prisoner tried to escape or escaped he would be apprehended and put into leg irons for 8 days. On a second occasion, the prisoner's arms and feet would be chained for 8 days. A third attempt or escape would be followed with beating with belt and a wooden stick.

He was aware that his «bosses» from DNAPES would not approve of his practices since they were against corporal punishment for prisoners. But, according to him, if he was following the regulations he should order the guards to shoot prisoners who tried to escape. But he preferred to beat such prisoners. It was the only way to rehabilitate them and get them to obey prison regulations («la seule maniere de leur faire comprendre et respecter le règlement est de les cogner»).

He confessed that he feared being prosecuted for the escape of a prisoner. The prison buildings were falling apart, and the prisoners could easily escape if deterrent measures were not taken.

The registrar who had been away during my meeting with the Chief of guards then turned up to say that the two prisoners with marks on them had in fact been beaten by police officers during interrogation («à la police ils ont des manières de les faire parler»).

I witnessed the réception into prison of a new accused person. In an interview with him he stated that he had been detained at a police station for 24 hours. He was not maltreated, and he did not see any one being ill treated there. He had, however, not had any food during his détention.

28 August 1997, Mopti

Governor of Mopti, Daouda Tangara

Present at a meeting with the governor was Bokary Boire, Civil Administrator.

The governor attributed the bad conditions of détention to harsh economic circumstances. He was aware that the prison was in a state of disrepair and was also overcrowded.

I urged the governor to visit the prison with a view to effecting improvement which was within his power; and also seeing things at first hand.

RECOMMENDATIONS

The recommendations below have been made in the full knowledge that Mali is a poor country which has recently begun on the road of parliamentary democracy. Its limited resources will slow measures which require a lot of capital, but other problems facing prisons need to be and can be addressed immediately.

1. Mopti prison requires urgent and early attention. Cells 1 and 2 where inmates are held 24 hours a day except when they go out for shower or toilet should have windows to let in light and air. This regime should be improved upon.

2. Chaining of prisoners, especially those in cells should cease.

3. Assault and battery of prisoners in Mopti prison should cease. An inquiry should be conducted into the conduct of the guards at Mopti in relation to their treatment of prisoners for the necessary action to be taken.

Guards should be trained to avoid assaulting prisoners.

4. Serious attention should be paid to the question of the many inmates who are on remand with a view to giving them early trial or releasing them. Fewer prisoners will free resources to be used in the many areas crying for attention in the penal system of Mali.

5. Tombouctou, Goundam and Mopti prisons are in danger of caving in, and should receive urgent attention.

6. Admittedly, the huge expanse of the country does not make transportation easy, but keeping female prisoners in private houses is not satisfactory.

7. The new prisons under construction or yet to be built, should have separate sections for women and juveniles if separate structures cannot be built for them.

8. Remand prisoners should be separated from convicts.

9. Ways and means should be found to ease the tense atmosphere in what has been described as the first part or section of Bamako Central prison. The constant confinement of most of them may produce another disturbance.

10. A guard should not be made to work 24 hours, seven days continuously as seems to be the rule in Mopti, Tombouctou

and Goundam. The temptation to adopt ruthless methods to ensure discipline is high.

11. Preferential treatment given to civil servants as was evidenced by their comfortable surroundings and privileges in

Bamako Central Prison should be reviewed. There will be little or no incentive by civil servants to do what is in their power to improve the conditions of the ordinary prisoner knowing that neither he/she nor their kind will experience a harsh regime were they find themselves in prison. Equal treatment should also be respected in prison.

12. For a similar reason, the policy of building air-conditioned prison for political detainees does not make for a setting where there will be eagerness on the part of political authorities to work hard at improving prison conditions. The undoubtedly enormous resources which will go into the construction of such a luxury prison could be used in improving the conditions of a few prisons.

13. DNAPES should adopt guidelines which will enable it know what assistance each prison gets from non-budgetary resources. It will then be able to monitor the use to which the donation is put.

This recommendation is made as a direct result of complaints from prisoners of how they do not receive all the donation, like blankets, which are made to them.

14. Efforts should be made to supply prisoners with basic needs such as mats, blankets, soap and clothing.

15. Reconsideration should be given to the issue of amnesty with a view to extending the category and number of those who have been benefiting from this exercise.

16. Female guards should be trained to take over guard duties for women prisoners.

17. NGOs should be encouraged to visit prisons and pass on their recommendations to government.

18. The recommendations contained in the report of Mr. Sanidié A. Touré, the Deputy Director following his visit to Mopti and other prisons should be carefully studied and implemented.

COMMENTS BY GOVERNMENT OF MALI

In its comments on the report, the Ministry of Justice stated that:

- (i) presidential pardon had been granted to the three women prisoners in Mopti, who were mentioned in the report;
- (ii) the Director and guards at Mopti prison have been changed. The last have also been trained to treat prisoners humanely.

OTHER ACTIVITY OF THE SPECIAL RAPPORTEUR

Workshop on Modalities For Missions And Visits To Places of Detention

On 24 May 1997, the Special Rapporteur joined members from regional, international and other organisations involved in missions and visits to prisons and places of detentions to consider effective procedures for undertaking missions to the above institutions.

The result of the workshop appears in a 33 pages Report entitled «Standard Operating Procedures of International Mechanisms for Carrying Out Visits to Places of Detention». The report was prepared by the Association for the Prevention of Torture (APT), which also hosted the workshop.

The workshop aimed at the sharing of experiences and ideas on the subject by the participants. Preparation for missions and visits, what to do and look for when on the field, duration of visit which will produce a well-informed account of the subject-matter, writing and submission of reports and related matters engaged the attention of the participants. The need for and adherence to a code of conduct was also discussed.

A descriptive account of how each institution represented at the workshop undertook its mission or visit was given by the participants.

I am grateful to APT and Penal Reform International (PRI) for organising the workshop and for including me as one of the participants. I learnt a lot more than I know on the subject, and I am, therefore, equally grateful to the other participants who freely gave of their rich store of experience.

The other participants were :

M. Alain Aeschliman	Deputy Head of Central Tracing and Protection Division, International Committee of the Red Cross
M. Pascal Daudin	Head of Training Sector, International Committee of the Red Cross
M. Bacre W. N'Diaye	United Nations' Special Rapporteur on Extrajudicial, Summary or Arbitrary executions
M. Joseph Exume	Member, Inter-American Commission on Human Rights
Pr. Walter Kälin	Professor of international law at the University of Bern, Vice President, APT and Chairman of the Workshop
M. Trevor Stevens	Secretary, European Committee for the Prevention of Torture
M. Ahmed Othmani	Chairperson, Penal Reform International
Mmc. Bcrnath	APT
Mme. Anette Corbaz	APT
Mme. Anna Khakee	APT
Mme. Isabel Ricupero	APT

Composition: Penal Reform International

BP 284

75625 Paris cedex 13

France

tel.: 33 1 44 08 83 77

fax: 33 1 44 08 83 97

e-mail: priparis@aol.com

with the support of NORAD

(Norwegian Agency for Development Co-operation)